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Paper No. 7

MAIL

JUN 15 2004

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

LOWE HAUPTMAN GOPSTEIN GILMAN & BERNER, LLP  
Suite 310  
1700 Diagonal Road  
Alexandria VA 22314

In re Application of :  
Biing-Seng Wu, et al. :  
Application No. 09/826,096 :  
Filed: April 5, 2001 :  
For: METHOD OF REDUCING FLICKERING :  
AND INHOMOGENEOUS BRIGHTNESS IN LCD :

DECISION ON PETITION  
TO WITHDRAW HOLDING OF  
ABANDONMENT

This is a decision on the Request for Withdrawal of the Notice of Abandonment based on failure to receive an Office action filed June 4, 2003.

The petition is **DENIED**.

This application became abandoned due to failure to timely respond to the Office action. A Notice of Abandonment was mailed on March 11, 2004.

Petitioner has alleged non-receipt of the Office action. In the petition, the petitioner has provided a statement that the Office action was not received by the petitioner and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed.

Pursuant to MPEP § 711.03(c) [*See also Notice entitled Withdrawing the Holding of Abandonment When Office Actions Are Not received, 1156 O.G. 53 (November 16, 1993)*], in absence of any irregularity in the mailing of an Office Action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include:


- (a) a statement from the practitioner stating that the Office communication was not received by the practitioner;
- (b) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and,
- (c) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner states that the Office action was not received and also references a docket log within

their petition. However, the petition does not comply with the requirements of a successful petition to withdraw the holding of abandonment due to the lack of a statement from the Practitioner attesting to a personal search of the file jacket and docket records and indicating that the office communication was not received.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision and include the statement from the Practitioner as outlined above. The file is being forwarded to the file repository.



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Dwayne D. Bost  
Special Program Examiner  
Technology Center 2600  
Communications